

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RAUL MORALES, JR.,)	
)	
Petitioner,)	4:05cv3131
)	
vs.)	MEMORANDUM AND ORDER
)	
ROBERT HOUSTON,)	
)	
Respondent.)	

This matter is before the court on filing no. 19, the respondent's Notice that the petitioner's legal papers have been returned to him. On the other hand, the respondent has explained why the petitioner can no longer receive assistance from the inmate who previously helped the petitioner with his pleadings in this habeas corpus case. Therefore, in light of the evidence in the record that the petitioner is functionally illiterate in the English language, the court will appoint counsel to represent the petitioner in this habeas corpus case.

THEREFORE, IT IS ORDERED:

1. That the Federal Public Defender for the District of Nebraska, or another attorney on the CJA panel selected by the Federal Public Defender, is appointed to represent the above-named petitioner in this matter, and the petitioner's counsel shall both enter an appearance and confer with the petitioner by no later than May 31, 2006; the Public Defender is requested to select an attorney who can orally communicate in Spanish or who has staff available to do so;
2. That all previous orders establishing a deadline for the petitioner's initial brief in this matter are modified and superseded by the following briefing schedule;
3. That by July 31, 2006, each party shall file a brief on the issues discussed in filing no. 11, the court's Progression Order of January 17, 2006;
4. That by August 31, 2006, each party shall file a brief in response to the other party's brief;

5.. That either party may request a relatively short extension of time if needed;
and

6. That unless the court orders an evidentiary hearing, expansion of the record, or additional briefs, this matter will be deemed submitted at the close of this briefing schedule on the basis of the pleadings, the state court record and the briefs.

DATED this 18th day of May, 2006.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge